

IN THE CLAIMS

Please substitute claims 1-12 with the following:

1. (Currently Amended) A negative electrode active material comprising:
a composition A-B-C containing a first element A, a second element B, and a third element C,
wherein
the first element A is at least ~~one selected from~~ copper and or iron;
the second element B is at least ~~one selected from~~ silicon and or tin; and
the third element C is at least one selected from the group consisting of indium, antimony, bismuth, and lead; and
the composition A-B-C contains 5 to 48% by weight of the second element B and contains 1 to 50% by weight of the third element C.
2. (Original) A negative electrode active material according to Claim 1, wherein the first element A is copper, the second element B is silicon, and the third element C is at least one selected from indium and antimony.
3. (Cancelled)
4. (Original) A negative electrode active material according to Claim 1, wherein the composition A-B-C has low crystallinity.
5. (Original) A negative electrode active material according to Claim 1, wherein the composition A-B-C is amorphous.
6. (Currently Amended) A nonaqueous electrolyte battery comprising:
a positive electrode containing a positive electrode active material;

a negative electrode containing a negative electrode active material; and

a nonaqueous electrolyte,

wherein,

the negative electrode active material contains a composition A-B-C containing a first element A, a second element B, and a third element C, ~~in which~~ the first element A is being at least ~~one selected from~~ copper and or iron, the second element B is being at least ~~one selected from~~ silicon and or tin, and the third element C is being at least one selected from the group consisting of indium, antimony, bismuth, and lead; the composition A-B-C contains containing 5 to 48% by weight of the second element B and contains containing 1 to 50% by weight of the third element C.

7. (Original) A nonaqueous electrolyte battery according to Claim 6, wherein the first element A is copper, the second element B is silicon, and the third element C is at least one selected from indium and antimony.

8. (Cancelled)

9. (Original) A nonaqueous electrolyte battery according to Claim 6, wherein the composition A-B-C has low crystallinity.

10. (Original) A nonaqueous electrolyte battery according to Claim 6, wherein the composition A-B-C is amorphous.

11. (Original) A nonaqueous electrolyte battery according to Claim 6, wherein the negative electrode further contains a carbonaceous material which is capable of being doped and being undoped with lithium.

12. (Original) A nonaqueous electrolyte battery according to Claim 11, wherein the carbonaceous material is one selected from the group consisting of non-graphitizable carbon, graphitizable carbon, and graphite.